

# ECF TRANSCRIPTION SHEET



**ANDREW J. PECK**  
**UNITED STATES MAGISTRATE JUDGE**  
**UNITED STATES DISTRICT COURT**  
Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 1370  
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933  
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**Dated: May 11, 2016**

**Total Number of Pages:**

## **MEMO ENDORSED:**

1. Congratulations.
2. The 5/17 conf. is cancelled.
3. Parties to submit settlement agreement(s) and approval papers, and § 636(c) consent form, by no later than 5/27.
4. The non-FLSA settlement papers need not be filed on ECF but should be submitted to the Court - - so the Court can judge the fairness of the FLSA settlement in comparison.
5. Wage payments for FLSA settlement should be on a W2 basis.

Copies **by ECF** to: All Counsel  
Judge Abrams

SERRINS  
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DOC#

DATE

FILED: 5/11/16

May 11, 2016

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www.serrinsfisher.com**VIA ECF**Hon. Andrew J. Peck  
United States Magistrate Judge  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl St.  
New York, NY 10007-1312**BY ECF**Re: Abdelsalam v. New Diamond Café Corp. *et al.*  
Doc. No. 15-cv-9744(RA)(AJP)

Dear Judge Peck:

We represent Plaintiff in this action. We write to advise the Court that the parties have reached an agreement in principle to resolve this matter. The parties are currently in the process of drafting the settlement agreements and hope to finalize them no later than May 20, 2016. Accordingly, the parties respectfully request that the Court adjourn sine die the May 17, 2016 conference.

The parties also intend to consent to the Court's jurisdiction for all purposes and will request that the Court approve only the FLSA settlement. As the Court is aware, Plaintiff has asserted claims under the FLSA and various other statutes that, unlike the FLSA, do not require judicial approval. Accordingly, the parties have decided to execute two separate agreements: one that will resolve Plaintiff's FLSA claims and a second agreement that covers the rest of Plaintiff's claims but will not be filed with the Court. We ask that the Court approve this arrangement and permit the parties to submit only the FLSA agreement for its approval.

Thank you for your attention to the above.

**MEMO ENDORSED**

Respectfully Submitted,

-----/s/-----

Michael Taubenfeld (MT-4640)

1. Congratulations.
2. The 5/17 conf is cancelled.
3. Parties to submit settlement agreement(s) and approval pages, and 501(c)(6) consent form, by no later than 5/27.
4. The non-FLSA settlement pages need not be filed on ECF but should be submitted to the Court -- not the Court can judge the fairness of the FLSA settlement in conjunction.
5. Large payments for FLSA settlement should be on a 60/40 basis.

SO ORDERED:

Hon. Andrew Jay Peck  
United States Magistrate Judge